Exhibit E

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

FRIEDA ZEIDEL, individually and on behalf of a class of similarly situated individuals, Plaintiff, v. A&M (2015) LLC, a Delaware limited liability company, Defendant.	Case No. 13-cv-06989 Hon. Robert M. Dow, Jr. Magistrate Judge: Daniel G. Martin

SUPPLEMENTAL DECLARATION OF RANDALL A. SNYDER

I, Randall A. Snyder, hereby declare as follows:

1.   My name is Randall A. Snyder. I am an adult over the age of 18 and a resident of the state of Nevada. I have personal knowledge of each of the matters stated herein, and if called to testify I could and would testify competently about them.

2.   I am an independent telecommunications technology consultant and reside at 8113 Bay Pines Avenue, Las Vegas, Nevada, 89128. I have been retained by McGuire Law, P.C. in the matter *Zeidel v. A&M (2015) LLC USA,* 1:13-cv-06989 (N.D. Ill.) to provide my expert opinions relating to mobile marketing technology utilized by A&M (2015) LLC USA ("Defendant" or "A&M").

3.   My opinions in this Supplemental Declaration are based on my knowledge, education, experience, expertise, training and my review of the following documents in this case: Second Amended Class Action Complaint; Defendant's Answer and Affirmative Defenses to Plaintiff's Seconded Amended Class Action Complaint; Declaration of Jan Harvey in Support of Defendant's Motion for Summary Judgment; Deposition of Kim

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Berliner; Deposition of Jan Harvey; Declaration of Gregory Lisnyczyj; Defendant A&M (2015) LLC's Rule 56.1(A) Statement of Undisputed Material Facts in Support of its Second Motion for Summary Judgment; A&M (2015) LLC's Memorandum in Support of its Second Motion for Summary Judgment; Subpoena response from mBlox containing Message Detail Records dated June 1, 2013 through February 28, 2014; Neustar Invoices to Mozeo for Short Code 24587 dated November 15, 2009 through November 15, 2013; Neustar Receipts to Mozeo for Short Code 24587 dated November 13, 2009 through November 13, 2013; Text Message Logs dated June 1, 2013 through February 28, 2014; Mobile Marketing Association, U.S. Consumer Best Practices for Messaging, Version 7.0 (dated October 16, 2012); Mobile Marketing Association, Global Code of Conduct (dated July 15, 2008); the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* ("TCPA") and regulations promulgated thereunder; the Federal Communications Commission's ("FCC") Report and Order in the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 dated October 16, 1992; the FCC's Report and Order in the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 dated July 3, 2003; the FCC's Declaratory Ruling in the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 Request of ACA International for Clarification and Declaratory Ruling dated January 4, 2008; the Appeal from the United States District Court for the Northern District of California, No. 07-16356, D.C. No. CV-06-02893-CW Opinion, filed June 19, 2009; the FCC's Report and Order in the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 dated February 15, 2012; the FCC's Notice of Proposed Rulemaking in the Matter of the Middle Class Tax Relief and Job Creation Act of 2012, Establishment of a Public Safety

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Answering Point Do-Not-Call Registry dated May 22, 2012; the FCC's Declaratory Ruling in the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, SoundBite Communications, Inc. Petition for Expedited Declaratory Ruling dated November 29, 2012; and the FCC's Declaratory Ruling in the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991 dated July 10, 2015.

4.   I have over 30 years of experience in telecommunications network and system architecture, engineering, design and technology. I have expertise in the fields of both wireline and wireless telecommunications networking technology. A copy of my *curriculum vitae* is attached to this Declaration. I have been retained as a testifying or consulting expert in over 120 cases regarding cellular telecommunications technology, including over 70 cases regarding Short Message Service ("SMS") technology and over 90 cases regarding the TCPA and associated regulations. In addition, I have been retained as an expert by both plaintiffs and defendants in cases involving the TCPA.

5.   I have taught many classes and seminars on both wireline and wireless telecommunication network technologies and have been a panelist and speaker at numerous conferences at the Institute of Electrical and Electronics Engineers ("IEEE"), the Personal Communication Society ("PCS"), and the Cellular Telecommunications and Internet Association ("CTIA") as an expert in telecommunication networks. I spent seven years developing standards within the American National Standards Institute's subsidiary organization, the Telecommunications Industry Association ("TIA"), providing technical contributions and authoring and editing telecommunications proposed standards documents. Most notably, I authored and oversaw the standardization of Interim Standard 93, providing

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interconnection technology between wireline and wireless networks, which is a fully accredited national standard of the American National Standards Institute ("ANSI").

6. I am the co-author of the McGraw-Hill books "Mobile Telecommunications Networking with IS-41," and "Wireless Telecommunications Networking with ANSI-41, 2nd edition" published in 1997 and 2001, respectively. I have been issued 29 patents myself on telecommunications networking technology and currently have five additional published patents pending. I have also authored several articles on telecommunications technology and have been quoted numerous times in industry trade publications. I have been hired as a consultant by the CTIA, as well as by many wireline and wireless telecommunications companies, including Bell Laboratories, McCaw Cellular, AirTouch, AirTouch International, AT&T Wireless, AT&T Mobility, Lucent, Nokia, Ericsson, Motorola, Samsung, Siemens, Nextwave, MCI, Daewoo, Globalstar, T-Mobile, Sprint, U.S. Cellular, Teleglobe Canada, Teledesic and other telecommunications technology vendors and service providers. I was also nominated in 2006 for a National Television Arts Emmy Award for Outstanding Achievement in Advanced Media Technology for unique wireless content distribution technology I designed while employed at Entriq, Inc.

7. In addition, in 2002, I was co-founder of m-Qube, Inc., one of the first text message-based mobile marketing companies in North America. m-Qube founded and established the Mobile Marketing Association (see http://www.mmaglobal.com) which subsequently established the technology and methodology for the use of text message based short codes as well as mobile marketing guidelines and rules within North America. Moreover, I have been issued ten patents on SMS technology, including the invention of short code technology, and my books have been cited in four additional issued patents on

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SMS technology. Still more detail, as well as details of publications that I have authored or co-authored within at least the past 10 years, are provided in my attached *curriculum vitae* (a true and correct copy of which is attached hereto as Exhibit A) along with a list of cases where I served as a testifying or consulting expert and my standard rate sheet. I am being compensated at the rate of $450 per hour for my study, analysis and testimony in this case.

INTRODUCTION

8.   I previously submitted an expert Declaration in this matter on September 4, 2015 in which I expressed the opinion that the Defendant began using its mobile marketing system and platform, provided by Mozeo LLC ("Mozeo"), as far back as at least May 2012 and continued to use that same system and platform at least as of December 2014. The Defendant used this automated text message communications system to transmit thousands of automated text messages to consumers and to provide the same user experience common to all cellular subscribers.

9.   It is my understanding that A&M contends that Mozeo's system does not have the potential capability to generate random telephone numbers and that adding such capability would take several months of software development and testing.

10.   Based on my knowledge, education, experience, expertise, training and my review of the relevant documents in this case, I thoroughly disagree with this contention. The ability to randomly generate strings of ten digits (*i.e.*, dialable telephone numbers), each digit having a random value of 0, 1, 2, 3, 4, 5, 6, 7, 8 or 9 and the entire string having the proper format of a telephone number, is a basic and straightforward exercise. Furthermore, the ability to store these generated telephone numbers into a database already designed to store telephone numbers is also a basic and straightforward exercise.

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11.   It is my opinion, therefore, that Mozeo's automated text message transmission system has the potential capacity to generate and store random telephone numbers to be used in text message communications. In addition, Mozeo does in fact already incorporate random number generation functionality within its system that it offers to clients for randomized contests and drawings.

12.   It is my understanding that Mozeo sent out "welcome" text messages to consumers every single day, for 272 consecutive days from June 1, 2013, to February 28, 2014.

13.   Based on my knowledge, education, experience, expertise, training and my review of the relevant documents in this case, it is my opinion that these "welcome" text messages were sent in an entirely automated fashion.

AUTOMATED GENERATION OF RANDOM NUMBERS

14.   Within the context of computer systems, there are two general concepts for generating random numbers: 1) *pseudo*random number generation; and 2) *true* random number generation. Random number generation is among the most basic and common computer functions used in software applications. Furthermore, the techniques for generating random numbers are among the most basic in computer science and are among the first concepts taught in beginning computer programming classes.

15.   Pseudorandom number generation refers to the fact that a computational algorithm is used to generate what appear, for all intents and purposes, to be "random" numbers. Although these mathematical algorithms can produce billions of numbers in a sequence that are seemingly random, they use a small initial numerical *seed* value to initiate the algorithm to begin generating those random numbers. However, the entire sequence of

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numbers can be easily reproduced if the seed number becomes known and is then again applied to the algorithm. In this sense, the generated numbers are not "truly" random; hence, they are technically termed pseudorandom.

16.   True random number generation (aka hardware random number generation) refers to the fact that a physical process is used, rather than an algorithm, to generate random numbers. These physical processes are often random artifacts of the operation of electrical hardware, such as random noise signals that can be measured internally and that emanate from the physical computer hardware components.

17.   Random number generators are either already incorporated into the operating systems of automatic telephone dialing system platforms and automatic messaging transmission system platforms, or can be seamlessly and programmatically incorporated into them. As a clear example, the C software programming language, among the most common languages used by developers over the past 25–30 years, enables random number generation using only a few lines of code. (Exhibit B.)

18.   The ability to generate random numbers is a core capability provided within many commercial operating systems running on enterprise computer platforms.

AUTOMATED GENERATION OF RANDOM TELEPHONE NUMBERS

19.   The standard numbering plan in the United States for telephone numbers is the ten-digit number of the format "NPA-NXX-XXXX." "NPA" refers to the Numbering Plan Area, more commonly known as the three-digit "area code." The NPA is also of the format "NXX." The entire format of the number, "NXX-NXX-XXXX" refers to a numbering plan where the digit "N" can be any number from 2 through 9 and the digit "X" can be any number from 0 through 9. Therefore, valid and usable telephone numbers are any strings of

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DECLARATION OF RANDALL A. SNYDER

ten digits between the values "0000000000" and "9999999999" where the first and fourth digits cannot be "0" or "1."

20.   Generating random ten-digit telephone numbers is a fairly basic and straightforward process. One such algorithm would be to use one of these random number generation functions, as appropriate, to generate a single digit 0 through 9. The function needs to be repeated for each of the ten digits in the telephone number to be generated. When generating the first and fourth digits, if the resulting value is 0 or 1, the function simply repeats until the randomly generated number is between 2 and 9. This method ensures that the resulting random strings of ten digit numbers always represent valid telephone number values. The logic to perform this algorithm in computer code is simple and basic.

21.   Furthermore, Mozeo's automated text messaging system already supports the ability to upload a "list of contacts" containing telephone numbers for which automated text messages are to be sent.[1] (Exhibit C.) Each of the randomly generated and valid ten-digit telephone numbers can be stored programmatically and easily in an electronic file. This file of telephone numbers can then be uploaded as the "list of contacts" into Mozeo's automated text messaging system.

MOZEO'S RANDOM TEXT-TO-WIN PROGRAM

22.   Mozeo's automated text messaging system supports a mobile marketing application program known as "Text-To-Win." This software program enables Mozeo's clients to operate an automated consumer-based text message contest.[2] (Exhibit D.)

23.   The Text-To-Win program enables Mozeo's clients to randomly choose one or more telephone numbers representing the winner of a contest. The program enables

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[1] https://www.mozeo.com/text-messaging-services.php
[2] https://www.mozeo.com/text-messaging-services.php & https://mozeohelp.zendesk.com/hc/en-us/articles/206311727-How-do-I-pick-random-winners-

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Mozeo's clients to specify a keyword that may be contained in one or more text messages sent by cellular subscribers and received by Mozeo's automated system. Mozeo's clients can then select the dates between which text messages were received containing the specified keyword. In addition, Mozeo's clients can then specify how many random winners are to be chosen from those received text messages. Finally, Mozeo's clients can specify if they wish to immediately send out an automated text message to the telephone number(s) contained in the randomly selected text messages to notify the subscribers they have won the contest.

24.   The method to randomly choose a telephone number within a database storing any number of telephone numbers is to typically first determine the total number of numbers stored in the database. Once a total number is determined, a random number can be generated between "1" and that total number of stored telephone numbers. The resulting random number represents the index, or numerical count, into the database of stored telephone numbers. The telephone number corresponding to the numerical index value represents the contest winner based on the random number chosen.

25.   It is apparent that Mozeo's system already employs a random number generator within its automated text messaging system as such a function is required to perform the Text-To-Win random text message contest.

26.   Based on my knowledge, education, experience, expertise, training and my review of the relevant documents, it is my opinion that Mozeo's automated text messaging system employs random number generation technology. In addition, Mozeo has the ability to quickly and efficiently apply this technology to generate random ten-digit telephone numbers and store them in a contact list as destination addresses for automated outgoing text messages.

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"WELCOME" MESSAGES WERE SENT IN AN AUTOMATED FASHION

27.   It is my understanding that Mozeo sent out "welcome" text messages to consumers every single day, for 272 consecutive days from June 1, 2013, to February 28, 2014. Consumers receive these messages as a result of Mozeo's automated text messaging system transmitting them on behalf of A&M.

28.   The body of the "welcome" messages sent contained the following text:

> Welcome to VIP status! Your gift: 20% OFF ur purch. Exclusive offers 2
> come. Cannot combine RC 427. Expires in 30 days. www.Mandee.com
> Rply STOP to stop.

29.   Mozeo's automated system sends this "welcome" message to consumers based on an independent external event that has occurred and is related to the automatic population of a consumer's cellular telephone number into Mozeo's database from Mandee's systems.

30.   The "welcome" message identified above was not typed by a human and manually sent from one human to another; rather, this was a preprogrammed automatic message sent by Mozeo's automated system. When Mozeo's database is automatically and newly populated with a cellular telephone number, the computerized system uses the preprogrammed "welcome" message template programmatically associated with the database and sends that message to the cellular telephone number entered into Mozeo's database. Mozeo's system automatically sends this message whenever a cellular telephone number is newly populated into the database.

31.   In addition, when a cellular telephone number is automatically populated in the database, Mozeo's system itself determines whether to send the "welcome" text message to that particular cellular telephone subscriber. Mozeo's system automatically

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creates the text message using the preprogrammed "welcome" message template and automatically sends that text message.

32.   According to Ms. Kim Berliner, Manager of IT at A&M, a consumer's cellular telephone number (*i.e.*, customer record) is provided electronically at Mandee's point-of-sale ("POS") and is automatically populated into Mozeo's database via a scheduled batch process within 24 hours. (Exhibit E, Berliner Dep., pp. 21-22.)

33.   The "welcome" text message is sent automatically to the cellular telephone number when it is sent from Mandee to Mozeo's database. (Exhibit E, pp. 46-48.)

34.   None of Mandee's or Mozeo's employees, determine, control or schedule when the automated "welcome" messages are sent to newly populated cellular telephone numbers. (Exhibit E, p. 47; ; Exhibit F, Harvey Dep., pp. 38-39; Exhibit G, Lisnyczyj Decl., ¶ 14.)

35.   I have been provided with text message logs for text messages sent by Mozeo to cellular telephone subscribers on behalf of A&M. These records show that Mozeo sent out 199,984 completely automated "welcome" text messages from the short code "24587" to cellular subscribers every single day, for 272 consecutive days, from June 1, 2013, to February 28, 2014. Furthermore, Mozeo sometimes sent these "welcome" messages in bursts of 10 or more messages per minute for several minutes at a time and several times per day for nine full months.

36.   Based on my knowledge, education, experience, expertise, training, my review of the deposition transcripts of A&M's own fact witnesses and my review of the text message logs, I must conclude that the "welcome" messages at issue in this case were sent to cellular telephone numbers in a completely automated fashion.

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CONCLUSIONS

37.   Mozeo operates an automated text messaging system providing automated messaging technology to branded companies, such as A&M.

38.   The ability to generate random numbers is a core capability provided within many commercial operating systems, including those used to support automatic telephone dialing system applications and automatic messaging transmission system applications.

39.   The ability to develop a function to create random ten-digit telephone numbers and add these numbers to a contact list is a very basic and straightforward algorithm that can be developed efficiently.

40.   Mozeo's automated text messaging system clearly incorporates a random number generator as this function is required to enable the random "Text-To-Win" contest application.

41.   199,984 "welcome" text messages using the same preprogrammed textual template were sent from Mozeo's automated system to cellular subscribers. The transmission of these messages was solely effected by those subscribers' cellular numbers being automatically populated in Mozeo's database. These messages must have been sent by the automated system itself as they were transmitted in bursts of 10 or more messages per minute for several minutes at a time and several times per day for nine full months.

SUMMARY OF OPINIONS

42.   I can confidently state that Mozeo's automated text messaging system incorporates and employs a random number generator. The ability to generate random telephone numbers and create a contact list of those numbers for use within Mozeo's system

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is a basic and straightforward algorithm.

43.   Based on my knowledge, education, experience, expertise, training and my review of the relevant documents in this case, I thoroughly disagree with A&M's contention that Mozeo's system does not have the potential capability to generate random telephone numbers and that adding such capability would take several months of software development and testing. It is my opinion, therefore, that Mozeo's automated text message transmission system has the potential capacity to generate and store random telephone numbers to be used in text message communications.

44.   Furthermore, it is my opinion that 199,984 "welcome" text messages using the same preprogrammed textual template were sent from Mozeo's automated system to cellular subscribers. These messages were sent by Mozeo's automated system itself to cellular subscribers and the transmission of these messages was caused by the independent automated and external event of those subscribers' cellular telephone numbers being populated into Mozeo's database.

45.   My opinions in this Supplemental Declaration are based upon extensive experience in the telecommunications industry, a detailed understanding of telecommunications systems, a detailed understanding of Short Message Service ("SMS") technology and a detailed understanding of mobile marketing employing SMS technology. I hereby reserve the right to supplement or modify my opinions detailed in this report to the extent that new information is made available through discovery or other means.

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DECLARATION OF RANDALL A. SNYDER

I declare that the foregoing is true and correct subject to the laws of perjury of the United States.

Executed in Las Vegas, Nevada, on this 2nd day of June, 2016.

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Randall A. Snyder

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DECLARATION OF RANDALL A. SNYDER

EXHIBIT A

Randall A. Snyder **Curriculum Vitae**

Professional Summary

Randall Snyder is a recognized expert in wireless and cellular telecommunications technology, executive manager and leader, designing, developing, marketing and managing mobile telecommunication system and software products. He has over 30 years of experience specializing in wireless telecommunications technology, network architecture, design, system engineering, marketing and product management. He is a reputable leader and strategic developer with a successful background building startups. He is skilled presenter, communicator, and educator with success impacting organizational performance, corporate reputation and increasing sales. Mr. Snyder is results-oriented, highly organized and creatively focused on adhering to organizational missions and philosophy while designing best-of-breed mobile technology solutions. He has extensive travel experience to Asia-Pac, Latin America and Europe supporting engineering, sales and marketing and has familiarity with wireless network operators and manufacturers worldwide. Mr. Snyder has several years of wireless technology standards development experience and has been issued 29 patents related to wireless telecommunications technology. Mr. Snyder has also been retained as an expert witness in over 120 legal cases involving wireless telecommunications technology.

Expertise

- Business Relations: Seminars, Sales Presentations and Sales Engineering

- Legal: Provisional and Patent Applications, Subject Matter Expert Consultant, Expert Witness and Testimony, Litigation Support, Sales and Vendor Contract Negotiations and Review, Qualified as an Expert in Federal District Court

- Management: Strategic/Tactical Planning, Product Management, Marketing Management, Operations Management, Competitive Analysis, Problem Resolution, Project Planning, Risk Management

- Organizational: P&L Management, Budget Planning, Expense Reduction and Cost Control

- Technology: Wireless Network Engineering, Design and Architecture, Multimedia Systems, Mobile Internet, Mobile Video, Mobile Marketing, mCommerce and Mobile Payments, Mobile Telecommunications Standards, 3G, UMTS, LTE, LBS, SMS, MMS, WAP, GSM, and ANSI-41 (CDMA) Networking, Signaling System No. 7 (SS7), Communications Protocols, Telephone Consumer Protection Act (TCPA), Automatic Telephone Dialing Systems (ATDS)

Education

Year	College or University	Degree
1984	Franklin and Marshall College	B.A., Mathematics (minor in Astronomy)

Randall A. Snyder
Curriculum Vitae

Professional Experience

From: January 2007
To: Present
Organization: Wireless Research Services, LLC; Las Vegas, NV
Title: President and Founder
Summary: Responsible for consulting business, and revenue as well as being the principal consultant. Areas of subject matter expertise include mobile and cellular networking, 3G, LTE, GSM, ANSI-41, LBS, SMS, MMS, WAP, SS7, Diameter Signaling, Automatic Telephone Dialing Systems (ATDS) and mobile multimedia systems. With this expertise, primary consulting is in the area of system and product architecture, design, development, management and marketing as well as patent preparation and development, expert reports, expert testimony and litigation support. Expert witness and technology consultant for over 115 legal cases; authored over 85 expert reports for intellectual property cases, Telephone Consumer Protection Act (TCPA) cases and wireless technology litigation cases.

Notable Cases:

- Retained as Plaintiff's expert witness in *Satterfield v. Simon & Schuster, Inc.* No. 07-16356, D.C. No. CV-06-02893-CW Opinion. Appeal from the United States District Court for the Northern District of California. Opinion remanded by the United States Court of Appeals for the Ninth Circuit. Personally cited in opinion by N.R. Smith, Circuit Judge, June 19, 2009.

  Result of expert opinion greatly expanded the TCPA and was followed by formal FCC Declaratory Rulings citing this case that text messages are calls as defined by the TCPA, and dialing numbers from a stored electronic list of telephone numbers falls within the definition of an Automatic Telephone Dialing System (ATDS).

- Retained as Plaintiff's expert witness in Gomez v. Campbell-Ewald Company. No. 13-55486, D.C. No. 2:10-CV-02007-DMG-CW Opinion. Appeal from the United States District Court for the Central District of California. Opinion vacated by the United States Court of Appeals for the Ninth Circuit. Opinion by Fortunato P. Benavides, Circuit Judge. Filed September 19, 2014. Appellate court opinion upheld by the Supreme Court of the United States. Opinion by Justice Ginsburg, January 20, 2016.

| Randall A. Snyder |
| Curriculum Vitae |

From: September 2007
To: August 2010
Organization: Finsphere Corporation; Bellevue, WA
Title: Vice President Product Management & Wireless Engineering
Summary: Was among the first handful of employees at Finsphere prior to Series A funding. As vice president of product management and wireless engineering and a member of the executive management team, was responsible for product management activities and wireless technology solutions for Finsphere's products. These products encompassed mobile location based software-as-a-service (SaaS) products offered primarily to financial institutions and banks. Responsibilities included product requirements and system functionality, strategic planning, R&D of new technologies, wireless network interconnectivity as well as wireless technology for Finsphere's products. Was also responsible for market strategies, white papers and development and management of intellectual property and patent applications.

From: May 2004
To: April 2007
Organization: Entriq, Inc.; Carlsbad, CA
Title: Vice President Product Management
Summary: Was responsible for the entire product management team and system architecture for Entriq's products and services. Products encompassed mobile and broadband pay media applications (specializing in video), digital rights management (DRM) and security solutions, e-commerce and m-commerce systems as well as ad management and delivery solutions for both broadband and mobile media services. Responsibilities also included network and protocol analysis, market analysis, evaluation of third-party software and services, all vendor contract negotiations, RFP responses and overall administrative responsibility for the entire product line. Was responsible for directing and managing the technical writing department producing all user documentation associated with the products. Was nominated for a National Television Arts and Sciences Emmy Award for Outstanding Achievement in Advanced Media Technology for unique mobile technology designed, developed and commercially deployed as part of Entriq's solution.

From: February 2002
To: November 2003
Organization: m-Qube, Inc. (acquired by Verisign); Boston, MA
Title: Vice President Product Management and Carrier Marketing and Founder
Summary: Was responsible for the entire product management and carrier marketing teams, member of the executive management team and one of the founders. Was responsible for all product management, system engineering and product strategy for all business conducted with the wireless industry and carriers. Was in charge of the market strategy and wireless network architecture for m-Qube's mobile marketing service, a value-added service offering mobile marketing solutions to wireless carriers using short message services (SMS) for GSM and CDMA networks. The service architecture enabled branded companies to deploy promotional marketing and messaging campaign

Randall A. Snyder
Curriculum Vitae

dialogs with mobile subscribers via SMS. The network architecture required definition and design of all aspects of the overall network including SMS technology, interconnectivity to the wireless carriers, signaling, traffic management, market requirements for features and services, network equipment specifications and OA&M.

From:	April 2001
To:	February 2002
Organization:	Bitfone Corporation; Mountain View, CA
Title:	Vice President Product Management and Marketing
Summary:	Was responsible for the entire product management team and all of the company's product definitions, strategies and positioning. Had direct responsibility for market and product requirements, market research, competitive analysis, product strategy and sales strategy. Bitfone's products included the iBroker, a mobile Internet technology infrastructure platform to enhance WAP, MMS, mobile e-mail and wireless messaging. Was also responsible for the mProve product (obtained via merger with Digital Transit, Inc.) providing over-the-air firmware and software update technology to mobile devices.

From:	November 2000
To:	April 2001
Organization:	Openwave Systems (via merger of Phone.com and Software.com); Redwood City, CA
Title:	Executive Director Emerging Technologies
Summary:	Was responsible for new 3G technologies and providing market and product plans for those technologies for the entire product line. Primary responsibility for the 3GPP Multimedia Messaging Service (MMS), collecting market requirements from customers, developing corporate strategy for MMS and preparing the organization for additional development of the product. In addition, taught wireless technology classes to the different departments at Openwave and educated them on wireless service provider strategies and network technologies.

From:	March 2000
To:	November 2000
Organization:	@Mobile and Software.com (via acquisition); Santa Barbara, CA
Title:	Director Wireless Product Management
Summary:	Was responsible for the product managers and for all of the wireless internet infrastructure products. Responsibilities included the overall market and product strategy for Software.com's wireless e-mail, short message service, instant messaging and unified messaging products. Was responsible for the overall revenues generated from these products based on detailed product plans and internal organizational planning. Much of his time was spent working with the executive management team and the sales directors on corporate market strategy.

From:	December 1999

> **Randall A. Snyder**
> **Curriculum Vitae**

To: March 2000
Organization: FreeSpace Communications, Inc.; Palo Alto, CA
Title: Consulting Network Systems Engineer
Summary: Was responsible for the complete design of the backbone network architecture for a
                 new broadband fixed wireless data network. This new architecture incorporated DSL
                 as the backbone network technology. The network architecture required definition and
                 design of all aspects of the overall network plan including DSL technology, IP
                 technology, ATM technology, interconnectivity to the PSTN, operations signaling,
                 traffic engineering, market requirements for network features and services, network
                 equipment specifications and OA&M.

From: April 1992
To: December 1999
Organization: Synacom Technology, Inc.; San Jose, CA
Title: Executive Director Product Marketing and Management
Summary:

1998 – 1999   Executive Director Product Marketing and Management

 - Responsible for managing the entire product management and marketing
   department of Synacom Technology, including market research and planning,
   product management and market communications. Lead the entire design,
   definition and product direction of all aspects of Synacom's products.

1997 – 1998   Director Systems Engineering

 - Responsible for coordinating and managing the overall functional and
   requirements specifications for all Synacom's products as well as the detailed test
   plans used for alpha system testing of those products. Also responsible for
   directing and managing the technical writing department producing all of the user
   documentation associated with all of the products. Provided the primary sales
   engineering support for sales and marketing and was involved in nearly every
   aspect of the product lifecycle.

1996 – 1997   Director Consulting Services and Principal Engineer

 - Responsible for obtaining, coordinating and managing all technical consulting
   projects performed by the company. These projects included wireless network
   architecture and design for both IS-41 and GSM networks for dozens of client
   companies (carriers and equipment manufacturers). In this role, continued as a
   member of both the ANSI/TIA TR45.2 Subcommittee for cellular radio
   intersystem operations standards and the ANSI/TIA TR46 Committee for 1900
   MHz GSM PCS standards. Major contributor to TR46 in the area of GSM-to-IS-41
   network interworking. Also authored, edited and published TIA standard
   specification IS-93 for cellular network interconnections to the PSTN and ISDN.

1992 – 1996   Principal Engineer

 - Consulted for McCaw Cellular, AT&T Wireless, AirTouch Cellular, AirTouch

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Randall A. Snyder
Curriculum Vitae

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Satellite Services, Globalstar, Nokia, MCI, Sprint PCS, XYPoint, NextWave, NewNet American Personal Communications, CTIA and several other national and international wireless telecommunications companies.

- Wrote wireless network design and analysis papers including HLR specifications, Authentication Center specifications, PCS network design, short message service (SMS) design, intelligent network applications of wireless technology and in-house expert in signaling protocols. Extensive experience with Signaling System No. 7, including both protocol implementation and design. Authored the Standard Requirements Document for the SS7-based A-interface between the base station and MSC used throughout the TIA. Also involved in the design of the Bellcore WACS/PACS technology, digital cellular network service and feature descriptions, SCPs and HLRs. Extensive experience developing the architecture and design of distributed intelligent networks including, SS7, cellular, PCS, AIN and WIN networks. Key member of the original Cellular Digital Packet Data (CDPD) architecture and design team. Designed the CDPD air interface protocol emulator developed and marketed by AirLink Communications, Inc.

From:	December 1990
To:	April 1992
Organization:	AT&T Bell Laboratories; Whippany, NJ
Title:	Consulting Member of the Technical Staff
Summary:	Evaluated wireless technology services for the Wireless Systems Architecture group. Also participated as a system engineer on the design of the Global System for Mobile (GSM) communication architecture and a software engineer developing the base station controller (BSC) for GSM. Also responsible for planning, coordinating, designing and testing the SS7 protocol software for the GSM A-interface between the BSC, MSC and operations and maintenance center (OMC). High-level and detailed design specifications were developed to coordinate the protocol testing between two remote laboratories. Provided the traffic analysis and traffic engineering of call traffic for the BSC. Specifically designed and developed the dynamic traffic overload control subsystem for the BSC. Presentations were given to technical staffs at multiple Bell Laboratories facilities supporting this work.

From:	May 1987
To:	December 1990
Organization:	DGM&S, Inc.; Mt. Laurel, NJ
Title:	Senior Staff Consultant
Summary:	Responsible for the design, development and test coordination of an advanced intelligent network applications platform for a service control point (SCP). Also spent several years as a consulting software engineer for Siemens AG, developing and testing SS7 and call control software for the EWSD digital switching system for international as well as U.S. national network implementations. This work involved extensive travel to both Frankfurt and Munich, Germany for software system design and testing. Also involved in the concept, design and technical marketing of proprietary enabling technology software products for SS7 and ISDN.

Randall A. Snyder
Curriculum Vitae

From: May 1986
To: May 1987
Organization: ADP, Inc.; Mt. Laurel, NJ
Title: Senior Software Engineer and Analyst
Summary: Responsible for the design and development of data communications and real time database application software for a host data center that provided real time financial information to large brokerage houses. Data communication protocol expertise in HDLC, RS-232 and IBM BiSync.

From: June 1984
To: May 1986
Organization: C3, Inc.; Cape May, NJ
Title: Consulting Systems Analyst and Software Engineer
Summary: Civilian consulting systems analyst and engineer to the U.S. Coast Guard Electronics Engineering Center (EECEN) for C3, Inc. Developed sophisticated database software for shipboard use including inventory and law enforcement applications. The work included the follow-through of the entire project lifecycle including writing of requirements, functional, design and program specifications, coding, debugging, alpha and beta testing, release, shipboard installation and continuing technical support of the product. Received a personal commendation from Admiral W.F. Merlin, Chief, Office of Command, Control and Communications, for successful efforts on these projects.

Professional Affiliations, Achievements & Awards

- Personal commendation from Admiral W.F. Merlin, Chief, Office of Command, Control and Communications, USCG (1986)
- Nominated, Technology and Engineering Emmy Award for Outstanding Achievement in Advanced Media Technology, 2006

Patents, Publications & Citations

Issued Patents

Patent	Date	Description
US 9,185,123	11/10/2015	Systems and Method for Mobile Identity Protection for Online User Authentication
US 9,154,952	10/6/2015	Systems and Methods for Authenticating a User of a Computer

Randall A. Snyder
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		Application, Network, or Device Using a Wireless Device
US 9,092,803	7/28/2015	System and Method to Initiate a Mobile Data Communication Utilizing a Trigger System
US 8,954,102	2/10/2015	System and Method for Determining and Delivering Appropriate Multimedia Content to Data Communication Devices
US 8,938,215	1/20/2015	System and Method to Initiate a Mobile Data Communication Utilizing a Trigger System
US 8,923,902	12/30/2014	Mobile Messaging Short Code Translation and Routing System and Method
US 8,839,394	9/16/2014	Systems and Methods for Authenticating a User of a Computer Application, Network, or Device Using a Wireless Device
US 8,831,564	9/9/2014	System and Method for Mobile Identity Protection Using Mobile Device Signaling Network Derived Location Pattern Recognition
US 8,819,141	8/26/2014	Centralized Mobile and Wireless Messaging Opt-out Registry System and Method
US 8,761,732	6/24/2014	System and Method to Initiate a Mobile Data Communication Utilizing a Trigger System
US 8,670,753	3/11/2014	System and Method for Determining and Delivering Appropriate Multimedia Content to Data Communication Devices
Israel 200949	1/10/2014	System and Method for Automated Analysis Comparing a Wireless Device Location with Another Geographic Location
Mexico 308720 B	12/4/2013	Sistema y Metodo para el Analisis Automatizado que Compara una Ubicacion del Dispositivo Inalambrico con Otra Ubicacion Geografica
US 8,588,748	11/19/2013	System and Method for Mobile Identity Protection of a User of Multiple Computer Applications, Networks or Devices
US 8,437,784	5/7/2013	System and Method to Initiate a Mobile Data Communication Utilizing a Trigger System
US 8,374,634	2/12/2013	System and Method for Automated Analysis Comparing a Wireless Device Location with Another Geographic Location
US 8,280,348	10/2/2012	System and Method for Mobile Identity Protection Using Mobile Device Signaling Network Derived Location Pattern Recognition
US 8,155,677	4/10/2012	Mobile Messaging Short Code Translation and Routing System and Method
New Zealand 580499	8/31/2012	System and Method for Automated Analysis Comparing a Wireless Device Location with Another Geographic Location
US 8,131,262	3/6/2010	System and Method to Initiate a Mobile Data Communication Utilizing a Trigger System
US 8,116,731	2/14/2012	System and Method for Mobile Identity Protection of a User of Multiple Computer Applications, Networks or Devices
Australia 2008/115299	2/9/2012	System and Method for Automated Analysis Comparing a Wireless Device Location with Another Geographic Location
S. Africa 2009/06947	1/26/2011	System and Method for Automated Analysis Comparing a

| | | Randall A. Snyder |
| | | Curriculum Vitae |

		Wireless Device Location with Another Geographic Location
US 7,792,518	9/7/2010	System and Method to Initiate a Mobile Data Communication Utilizing a Trigger System
US 7,403,788	7/22/2008	System and Method to Initiate a Mobile Data Communication Utilizing a Trigger System
US 6,128,389	10/3/2000	Authentication Key Management System and Method
US 5,970,144	10/19/1999	Secure Authentication-Key Management System and Method for Mobile Communications
US 5,850,445	12/15/1998	Authentication Key Management System and Method
US 5,799,084	8/25/1998	System and Method for Authenticating Cellular Telephonic Communication

Publications

1. What Workers Want from Wireless by Randall A. Snyder; April 15, 2004. America's Network, Advanstar Communications, Santa Ana, California USA.

2. Snyder, Randall A. and Gallagher, Michael D. Wireless Telecommunications Networking with ANSI-41 Second Edition; McGraw-Hill, New York, NY USA; © Copyright 2001 Randall A. Snyder and Michael D. Gallagher. *Foreword by Tom Wheeler, current Chairman, Federal Communications Commission.*

3. Forecasting SS7 Traffic by Randall A. Snyder; November 1, 2000. Wireless Review, Volume 17, Number 21, Intertec Publishing, Overland Park, KS USA.

4. Gallagher, Michael D. and Snyder, Randall A. Mobile Telecommunications Networking with IS-41; McGraw-Hill, New York, NY USA; © Copyright 1997 Michael D. Gallagher and Randall A. Snyder.

5. IS-41/GSM Interoperability by Randy Snyder; December, 1995, Cellular Networking Perspectives, Cellular Networking Perspectives, LTD, Calgary, Alberta, Canada.

Citations

1. Commendation from Admiral W.F. Merlin, Chief, Office of Command, Control and Communications, USCG (1986)

2. Method and Apparatus for Routing Short Messages, US Patent #6308075, Issued October 23, 2001.

3. Mediation Software for Delivery of Interactive Mobile Messaging and Personalized Content to Mobile Devices. Patent Application # 20020120779, August 29, 2002.

4. Automatic In-Line Messaging System, US Patent #6718178, Issued April 6, 2004.

5. Method and System for Wireless Instant Messaging, US Patent #7058036, Issued June 6, 2006.

6. United States Court of Appeals for the Ninth Circuit. Satterfield v. Simon & Schuster, Inc. No. 07-16356, D.C. No. CV-06-02893-CW Opinion. Appeal from the United States District Court for the Northern District of California. Opinion by N.R. Smith, Circuit Judge. Filed June 19, 2009.

Randall A. Snyder
Curriculum Vitae

Litigation Support Experience

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls
Law Firm:	Bailey & Glasser LLP
Case Name:	Newhart v. Quicken Loans, Inc. et al.
Services Provided:	Testifying expert for plaintiff
Disposition:	Ongoing
Date:	2016

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 related to unlawful cellular telephone calls
Law Firm:	Manchee & Manchee, PC
Case Name:	Gibbs v. Ocwen Loan Servicing, LLC
Services Provided:	Testifying expert for plaintiff
Disposition:	Ongoing
Date:	2016

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	Law Office of Troy D. Krenning, LLC
Case Name:	Newton v. Comdata, Inc.
Services Provided:	Testifying expert for plaintiff
Disposition:	Ongoing
Date:	2016

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 related to unlawful cellular telephone calls
Law Firm:	Maney & Gordon, P.A.
Case Name:	Holland v. Keesler Federal Credit Bureau
Services Provided:	Testifying expert for plaintiff
Disposition:	Ongoing
Date:	2016

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 related to unlawful cellular telephone calls
Law Firm:	Sulaiman Law Group, Ltd.
Case Name:	Deaderick v. Contract Callers, Inc.
Services Provided:	Testifying expert for plaintiff
Disposition:	Withdrawn

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Date: 2016

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                   related to short message service (SMS) technology
Law Firm: Manning Law APC
Case Name: Vizcarra v. Macys.com Inc. et al.
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Ongoing
Date: 2016

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                   related to short message service (SMS) technology
Law Firm: McGuire Law, P.C.
Case Name: Spencer v. Kohl's Department Stores, Inc.
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Ongoing
Date: 2016

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                   related to unlawful cellular telephone calls
Law Firm: Parisi & Havens LLP
Case Name: Slovin v. SunRun. Inc.
Services Provided: Testifying expert for plaintiff
Disposition: Ongoing
Date: 2016

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 related to
                   unlawful cellular telephone calls
Law Firm: Maney & Gordon, P.A.
Case Name: Ritter v. Wells Fargo Bank, N.A.
Services Provided: Testifying expert for plaintiff
Disposition: Settled
Date: 2015

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                   related to unlawful cellular telephone calls
Law Firm: Marquis Aurbach Coffing
Case Name: Fisher v. MJ Christensen Jewelers, LLC
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Ongoing
Date: 2015 – 2016

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Expert Engagement:

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                      related to short message service (SMS) technology
Law Firm: Bock & Hatch, LLC
Case Name: Kozlow v. Shopkick, Inc.
Services Provided: Testifying expert for plaintiff
Disposition: Withdrawn
Date: 2015

Expert Engagement:

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                      related to unlawful cellular telephone calls
Law Firm: Edelson PC
Case Name: Suttles v. Mutual of Omaha Insurance Company
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Ongoing
Date: 2015

Expert Engagement:

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 related to
                      unlawful cellular telephone calls
Law Firm: Manchee & Manchee, PC
Case Name: Gebray v. Ocwen Loan Servicing, LLC
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Ongoing
Date: 2015

Expert Engagement:

Type of Matter: California Invasion of Privacy Act (Penal Code §§ 630) class action related to
                      unlawful recording of telephone conversations
Law Firm: Keller Grover LLP and Law Offices of Scot D. Bernstein
Case Name: Saunders v. Cabela's Incorporated
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Ongoing
Date: 2015

Expert Engagement:

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                      related to short message service (SMS) technology
Law Firm: McGuire Law, P.C.
Case Name: Lozano v. Avenue Stores, LLC
Services Provided: Consulting expert for plaintiff
Disposition: Settled
Date: 2015

Expert Engagement:

Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action

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	related to short message service (SMS) technology
Law Firm:	McGuire Law, P.C.
Case Name:	Zeidel v. A&M (2015) LLC
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Ongoing
Date:	2015

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	Bailey & Glasser LLP
Case Name:	Phillips v. Mozes, Inc. et al.
Services Provided:	Testifying expert, expert reports, depositions for plaintiff
Disposition:	Ongoing
Date:	2015

Expert Engagement:

Type of Matter:	Intellectual property (patents) related to mobile location based technology and short message service (SMS) technology
Law Firm:	Knobbe, Martens, Olson & Bear, LLP
Case Name:	TeleCommunication Systems, Inc. v. Airbus DS Communications, Inc.
Services Provided:	Testifying expert for defendant
Disposition:	Settled
Date:	2015

Expert Engagement:

Type of Matter:	Intellectual property (patents) related to machine-to-machine (M2M) mobile technology
Law Firm:	Paul Hastings LLP
Case Name:	M2M Solutions LLC v. Novatel Wireless Solutions, Inc.
Services Provided:	Testifying expert, USPTO affidavits for patent reexamination for defendant
Disposition:	Ongoing
Date:	2015

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	Mazie Slater Katz & Freeman LLC
Case Name:	Meyer v. Bebe Stores Inc.
Services Provided:	Testifying expert for plaintiff
Disposition:	Ongoing
Date:	2015

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology

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Law Firm: Strategic Legal Practices, APC
Case Name: Haghayeghi v. Guess Inc.
Services Provided: Testifying expert for plaintiff
Disposition: Ongoing
Date: 2015

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 related to unlawful cellular telephone calls
Law Firm: Bailey & Glasser LLP
Case Name: Stein v. Monterey Financial Services, Inc.
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Ongoing
Date: 2015

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 related to unlawful cellular telephone calls
Law Firm: Aronovitz Law
Case Name: McKee v. Navient Solutions, Inc.
Services Provided: Testifying expert for plaintiff
Disposition: Ongoing
Date: 2015

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm: Butsch Roberts & Associates, LLC
Case Name: Moore v. Family Dollar Stores, Inc.
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Settled
Date: 2015

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 related to unlawful cellular telephone calls
Law Firm: Bailey & Glasser LLP
Case Name: Jones v. FMS Corp., U.S. Department of Education
Services Provided: Testifying expert for plaintiff
Disposition: Settled
Date: 2015

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm: Tycko & Zavareei LLP
Case Name: Lathrop v. Uber Technologies, Inc.

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Services Provided: Testifying expert for plaintiff
Disposition: Ongoing
Date: 2015

Expert Engagement:
Type of Matter: California Invasion of Privacy Act (Penal Code §§ 630) class action related to unlawful recording of telephone conversations
Law Firm: Keller Grover LLP and Law Offices of Scot D. Bernstein
Case Name: Roberts v. Wyndham International, Inc.
Services Provided: Testifying expert, expert reports, depositions for plaintiff
Disposition: Settled
Date: 2015

Expert Engagement:
Type of Matter: Intellectual property (patents) related to short message service (SMS) technology
Law Firm: Paul Hastings LLP
Case Name: Nova Transforma Technologies, LLC v. AT&T Mobility LLC
Services Provided: Consulting expert, USPTO affidavits for patent reexamination for defendant
Disposition: Settled
Date: 2015

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 related to unlawful cellular telephone calls
Law Firm: Maney & Gordon, P.A.
Case Name: Drew v. Ocwen Loan Servicing, LLC
Services Provided: Testifying expert, expert reports, depositions, trial testimony for plaintiff
Disposition: Plaintiff obtained statutory damages for willful TCPA violations
Date: 2015

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls
Law Firm: Parisi & Havens LLP
Case Name: Kleja v. Transworld Systems, Inc.
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Settled
Date: 2015

Expert Engagement:
Type of Matter: California Invasion of Privacy Act (Penal Code §§ 630) class action related to unlawful recording of telephone conversations
Law Firm: Keller Grover LLP and Law Offices of Scot D. Bernstein
Case Name: McCabe v. Six Continents Hotels, Inc.
Services Provided: Testifying expert, expert reports, depositions for plaintiff
Disposition: Settled
Date: 2015

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Expert Engagement:

Type of Matter:	Material Breach of Contract
Law Firm:	Hogan Lovells USA LLP
Case Name:	IBM de México Comercialización y Servicios, S. de R.L. de C.V. adverse Iusacell, S.A. de C.V.
Services Provided:	Testifying expert, expert reports for IBM México
Disposition:	Ongoing
Date:	2014 – 2016

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 related to unlawful cellular telephone calls
Law Firm:	Lemberg & Associates LLC
Case Name:	Hamlett et al v. Santander Consumer USA Inc. et al
Services Provided:	Testifying expert, expert reports, depositions for plaintiff
Disposition:	Settled
Date:	2014 – 2015

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls
Law Firm:	Parisi & Havens LLP
Case Name:	Lofton v. Verizon Wireless LLC
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Settled
Date:	2014 – 2015

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	McGuire Law, P.C.
Case Name:	Spencer v. AT&T Digital Life, Inc.
Services Provided:	Testifying expert, expert reports, depositions for plaintiff
Disposition:	Settled
Date:	2014

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls
Law Firm:	McGuire Law, P.C.
Case Name:	Valladares v. Blackboard, Inc.
Services Provided:	Testifying expert for plaintiff
Disposition:	Ongoing
Date:	2014

Expert Engagement:

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Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	Butsch Roberts & Associates, LLC
Case Name:	In re: Life Time Fitness, Inc.
Services Provided:	Consulting expert for plaintiff
Disposition:	Settled
Date:	2014

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls
Law Firm:	Morgan & Morgan, P.A.
Case Name:	Cauchon v. Whetstone Partners, LLC, d/b/a eTitleLoan
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Settled
Date:	2014

Expert Engagement:

Type of Matter:	Intellectual property (patents) related to short message service (SMS) technology
Law Firm:	McGuireWoods LLP
Case Name:	Comcast Cable Communications, LLC v. Sprint Communications Company L.P.
Services Provided:	Consulting expert for defendant
Disposition:	Ongoing
Date:	2014

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls
Law Firm:	Caddell & Chapman
Case Name:	Hooker v. Sirius XM Radio, Inc.
Services Provided:	Testifying expert for plaintiff
Disposition:	Settled
Date:	2014 – 2016

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	Bock & Hatch, LLC
Case Name:	Kozlow v. Hangtime, Inc.
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Settled
Date:	2014

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls
Law Firm:	Parisi & Havens LLP

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Case Name: In re Collecto, Inc.
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Ongoing
Date: 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
related to unlawful cellular telephone calls
Law Firm: Edelson PC
Case Name: Birchmeier et al v. Caribbean Cruise Line, Inc. et al
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Settled
Date: 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
related to short message service (SMS) technology
Law Firm: Keogh Law, Ltd.
Case Name: Johnson v. Yahoo! Inc.
Services Provided: Testifying expert, expert reports, depositions for plaintiff
Disposition: Settled
Date: 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
related to short message service (SMS) technology
Law Firm: Jacobs Kolton, Chtd.
Case Name: Nunes v. Twitter, Inc.
Services Provided: Consulting expert for plaintiff
Disposition: Ongoing
Date: 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
related to unlawful cellular telephone calls
Law Firm: Manning Law, PLLC
Case Name: Manning v. Lendio, Inc.
Services Provided: Testifying expert for plaintiff
Disposition: Ongoing
Date: 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
related to short message service (SMS) technology
Law Firm: The Law Offices of Joseph R. Manning, Jr.
Case Name: Vargem v. Tax Defense Partners, LLC
Services Provided: Testifying expert for plaintiff

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Curriculum Vitae

Disposition: Ongoing
Date: 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                      related to unlawful cellular telephone calls
Law Firm: Steptoe & Johnson PLLC
Case Name: Cain v. Monitronics, International, Inc.
Services Provided: Consulting expert for defendant
Disposition: Ongoing
Date: 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                      related to short message service (SMS) technology and unlawful cellular
                      telephone calls
Law Firm: Mantese Honigman Rossman and Williamson, P.C.
Case Name: Glassbrook v. Rose Acceptance, Inc. and First National Bank of America
Services Provided: Testifying expert, expert reports, depositions for plaintiff
Disposition: Ongoing
Date: 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                      related to unlawful cellular telephone calls
Law Firm: Kazerouni Law Group, APC
Case Name: Iniguez v. The CBE Group, Inc.
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Settled
Date: 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                      related to unlawful cellular telephone calls
Law Firm: Keogh, Cox & Wilson, Ltd.
Case Name: Hetherington v. Omaha Steaks, Inc. and Omaha Steaks International, Inc.
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Settled
Date: 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                      related to unlawful cellular telephone calls
Law Firm: Potter Handy, LLP
Case Name: Potter v. Bank of America Corporation
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Settled

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Date: 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                         related to short message service (SMS) technology
Law Firm: Lemberg & Associates LLC
Case Name: Shiyan v. Lucille Roberts Health Clubs, Inc.
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Withdrawn
Date: 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                         related to unlawful cellular telephone calls
Law Firm: Lemberg & Associates LLC
Case Name: Meyer v. Receivables Performance Management LLC
Services Provided: Testifying expert for plaintiff
Disposition: Settled
Date: 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                         related to unlawful cellular telephone calls
Law Firm: McGuire Law, P.C.
Case Name: Murray v. Bill Me Later, Inc.
Services Provided: Consulting expert for plaintiff
Disposition: Settled
Date: 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                         related to unlawful cellular telephone calls
Law Firm: Lemberg & Associates LLC
Case Name: Creel v. GC Services, L.P.
Services Provided: Testifying expert, expert reports, depositions for plaintiff
Disposition: Settled
Date: 2014

Expert Engagement:
Type of Matter: Intellectual property (patents) related to short message service (SMS) technology
                         and communication protocols
Law Firm: White & Case LLP
Case Name: Nokia Corporation v. Google Inc.
Services Provided: Testifying expert for defendant
Disposition: Settled
Date: 2014

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Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	McGuire Law, P.C.
Case Name:	Gomez v. Campbell-Ewald Company
Services Provided:	Consulting expert for plaintiff
Disposition:	Ongoing
Date:	2014

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls
Law Firm:	Lemberg & Associates LLC
Case Name:	Horton v. Cavalry Portfolio Services LLC
Services Provided:	Testifying expert, expert reports, depositions for plaintiff
Disposition:	Ongoing
Date:	2013 – 2014

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	Law Office of Scott D. Owens, Esq. and Farmer, Jaffee, Weissing, Edwards, Fistos & Lehrman, P.L.
Case Name:	Legg v. Voice Media Group, Inc.
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Dismissed
Date:	2013 – 2014

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	Edelson LLC
Case Name:	Sterk v. Path, Inc.
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Settled
Date:	2013 – 2014

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	Francis & Mailman, P.C.
Case Name:	Dominguez v. Yahoo! Inc.
Services Provided:	Testifying expert, expert reports, depositions for plaintiff
Disposition:	Ongoing
Date:	2013 – 2015

Expert Engagement:

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Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm: McGuire Law, P.C.
Case Name: Smith v. Microsoft Corporation
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Ongoing
Date: 2013 – 2015

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm: Heyrich Kalish McGuigan, PLLC
Case Name: Gragg v. Orange Cab Company, Inc. et al
Services Provided: Testifying expert, expert reports, depositions for plaintiff
Disposition: Dismissed
Date: 2013 – 2015

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm: Wooten, Kimbrough & Normand, PA
Case Name: Murphy v. DCI Biologicals, LLC
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Settled
Date: 2013 – 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm: Kazerouni Law Group, APC
Case Name: Sherman v. Yahoo! Inc.
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Dismissed
Date: 2013 – 2014

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 and Fair Debt Collection Practices Act (FDCPA) 15 U.S.C. 15 § 1692 related to unlawful cellular telephone calls
Law Firm: Collins & Story, PA
Case Name: Keen v. Delta Outsource Group, Inc.
Services Provided: Testifying expert, expert reports, depositions for plaintiff
Disposition: Settled
Date: 2013 – 2014

Expert Engagement:
Type of Matter: Intellectual property (patents) related to short message service (SMS) technology

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	and mobile banking
Law Firm:	Panovia Group LLP
Case Name:	N5 Technologies, LLC v. Capital One, N.A. et al
Services Provided:	Testifying expert, expert reports, depositions for plaintiff
Disposition:	Settled
Date:	2013 – 2014

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 and California's Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 class action related to short message service (SMS) technology
Law Firm:	Hartmann and Kananen
Case Name:	Baird v. Sabre, Inc.
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Dismissed
Date:	2013 – 2014

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm:	Edelson LLC
Case Name:	Lee v. Stonebridge Life Insurance Company
Services Provided:	Testifying expert, expert reports, depositions for plaintiff
Disposition:	Settled
Date:	2012 – 2014

Expert Engagement:

Type of Matter:	Intellectual property (patents) related to short message service (SMS) technology and multimedia message service (MMS) technology
Law Firm:	Baker Botts LLP
Case Name:	Intellectual Ventures LLC v. AT&T Mobility LLC, T-Mobile USA, Inc., Sprint Spectrum L.P., US Cellular Corporation
Services Provided:	Testifying expert, expert reports for defendants
Disposition:	Patent withdrawn from litigation
Date:	2012 – 2014

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	Keogh Law, Ltd.
Case Name:	Wanca v. LA Fitness International, LLC
Services Provided:	Testifying expert, expert reports, depositions for plaintiff
Disposition:	Settled
Date:	2013

Expert Engagement:

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Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls
Law Firm:	Lemberg & Associates LLC
Case Name:	Penn v. NRA Group, LLC
Services Provided:	Consulting expert for plaintiff
Disposition:	Ongoing
Date:	2013

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls
Law Firm:	Lemberg & Associates LLC
Case Name:	Reed v. GC Services LP
Services Provided:	Consulting expert for plaintiff
Disposition:	Settled
Date:	2013

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	The Lavery Law Firm
Case Name:	Volpe v. Caribbean Cruise Line, Inc.
Services Provided:	Consulting expert for plaintiff
Disposition:	Dismissed
Date:	2013

Expert Engagement:

Type of Matter:	Washington Consumer Protection Act, RCW 19.86 and RCW 80.36.400 related to unfair business practices and unlawful cellular telephone calls
Law Firm:	Williamson and Williams Law
Case Name:	Kids Northwest v. First Data Corporation
Services Provided:	Consulting expert for plaintiff
Disposition:	Ongoing
Date:	2013

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	George Rikos Law
Case Name:	Van Patten v. Vertical Fitness
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Ongoing
Date:	2013

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 and California Business and Professions Code § 17200 class action related to short message

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service (SMS) technology
Law Firm: Milberg LLP
Case Name: D'Agostino v. Jesta Digital, LLC (dba Jamster)
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Settled
Date: 2013

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 and Restrictions
                       on Telemarketing, Telephone Solicitation, and Facsimile Advertising 47 C.F.R.
                       § 64.1200(d)(3) class action related to unlawful cellular telephone calls
Law Firm: Burke Law Offices, LLC
Case Name: Benzion v. Vivint, Inc.
Services Provided: Testifying expert, expert reports, depositions for plaintiff
Disposition: Settled
Date: 2013

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                       related to unlawful cellular telephone calls
Law Firm: Lemberg & Associates LLC
Case Name: Rutigliano v. Convergent Outsourcing, Inc.
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Ongoing
Date: 2013

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                       related to short message service (SMS) technology
Law Firm: Kazerouni Law Group, APC
Case Name: Emanuel v. The Los Angeles Lakers, Inc.
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Dismissed
Date: 2013

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                       related to short message service (SMS) technology
Law Firm: Kazerouni Law Group, APC
Case Name: Barani v. Wells Fargo Bank, N.A.
Services Provided: Consulting expert for plaintiff
Disposition: Settled
Date: 2013

Expert Engagement:
Type of Matter: Intellectual property (patents) related to wireless calling party identification
                       technology

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Law Firm:	K&L Gates LLP
Case Name:	Cequint Inc. v. Apple Inc.
Services Provided:	Consulting expert for plaintiff
Disposition:	Settled
Date:	2013

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls
Law Firm:	Donald A. Yarbrough, Esq.
Case Name:	Mais v. Gulf Coast Collection Bureau, Inc.
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Dismissed on appeal
Date:	2013

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls
Law Firm:	Donald A. Yarbrough, Esq.
Case Name:	Manno v. Healthcare Revenue Recovery Group, LLC
Services Provided:	Testifying expert, expert reports, depositions for plaintiff
Disposition:	Settled
Date:	2013

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm:	Law Office of Scott D. Owens, Esq.
Case Name:	Wojcik v. Buffalo Bills, Inc.
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Settled
Date:	2012 – 2013

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm:	Law Office of Scott D. Owens, Esq.
Case Name:	Keim v. ADF Midatlantic, LLC (Pizza Hut)
Services Provided:	Testifying expert for plaintiff
Disposition:	Ongoing
Date:	2012 – 2013

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful cellular telephone calls

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Law Firm:	Liner Grode Stein Yankelevitz Sunshine Regenstreif & Taylor LLP
Case Name:	Connelly v. Hilton Grand Vacations Company, LLC
Services Provided:	Testifying expert, expert reports, depositions for defendant
Disposition:	Dismissed
Date:	2012 – 2013

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	Kirby Law Group
Case Name:	Agne v. Papa John's International, Inc. et al
Services Provided:	Consulting expert for plaintiff
Disposition:	Settled
Date:	2012

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action and NY GBL 399-P class action related to unlawful calls
Law Firm:	Bellin and Associates LLC
Case Name:	Tipoo v. Enhanced Recovery Company, LLC
Services Provided:	Testifying expert, discovery motions for plaintiff
Disposition:	Undisclosed
Date:	2012

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful calls
Law Firm:	Burke Law Offices, LLC
Case Name:	Bailey v. Household Finance Corporation et al
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Undisclosed
Date:	2011 – 2012

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology
Law Firm:	Burke Law Offices, LLC
Case Name:	Annoni v. FYISMS.com, LLC
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Undisclosed
Date:	2011 – 2012

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm:	KamberEdelson, LLC

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Case Name:	Schrock v. Wenner Media LLC
Services Provided:	Consulting expert for plaintiff
Disposition:	Undisclosed
Date:	2011

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm:	Summit Law Group
Case Name:	Kramer v. Autobytel, Inc. and B2Mobile, LLC
Services Provided:	Consulting expert for defendant
Disposition:	Settled
Date:	2011

Expert Engagement:

Type of Matter:	Intellectual property (patents) related to wireless location based services (LBS)
Law Firm:	Mintz, Levin, Cohn, Ferris, Glovsky and Popeo PC
Case Name:	Emsat Geolocation Technology, LLC v. CellCo Limited Partnership (dba Verizon Wireless) et al
Services Provided:	Testifying expert, USPTO affidavits for patent reexamination for plaintiff
Disposition:	Undisclosed
Date:	2010 – 2011

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful calls
Law Firm:	Keogh Law, Ltd.
Case Name:	Griffith v. Consumer Portfolio Services, Inc.
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Undisclosed
Date:	2010 – 2011

Expert Engagement:

Type of Matter:	Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action related to unlawful calls
Law Firm:	Keogh Law, Ltd.
Case Name:	Dobbin v. Wells Fargo Auto Finance, Inc.
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Dismissed
Date:	2010 – 2011

Expert Engagement:

Type of Matter:	Intellectual property (patents) related to short message service (SMS) technology
Law Firm:	Nelson Bumgardner Casto PC
Case Name:	Celltrace LLC v. AT&T Inc. et al
Services Provided:	Consulting expert for plaintiff

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Disposition: Undisclosed
Date: 2010

Expert Engagement:
Type of Matter: California Constitution, Article VI, § 10, class action related to short message
                 service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm: KamberEdelson, LLC
Case Name: VanDyke v. Media Breakaway, LLC
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Settled
Date: 2009

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                 related to unlawful calls
Law Firm: Gordon & Rees LLP
Case Name: Allen v. Rickenbacker Collection Services
Services Provided: Consulting expert for defendant
Disposition: Undisclosed
Date: 2009

Expert Engagement:
Type of Matter: Intellectual property (trademarks) related to short message service (SMS)
                 technology
Law Firm: Fish & Richardson P.C.
Case Name: Cricket Communications, Inc. v. HipCricket, Inc.
Services Provided: Testifying expert, expert reports, depositions for plaintiff
Disposition: Undisclosed
Date: 2008 – 2009

Expert Engagement:
Type of Matter: California Constitution, Article VI, § 10, class action related to short message
                 service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm: KamberEdelson, LLC
Case Name: Albrecht v. mBlox, Inc. et al
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Settled
Date: 2008 – 2009

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227 class action
                 related to short message service (SMS) technology
Law Firm: Blim & Edelson, LLC
Case Name: Satterfield v. Simon & Schuster, Inc.
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Settled
Date: 2007 – 2009

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Expert Engagement:

Type of Matter:	Class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm:	KamberEdelson, LLC
Case Name:	Walker v. Motricity, Inc.
Services Provided:	Testifying expert, expert reports, depositions for plaintiff
Disposition:	Settled
Date:	2008

Expert Engagement:

Type of Matter:	Class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm:	KamberEdelson, LLC
Case Name:	Rynearson v. Motricity, Inc.
Services Provided:	Testifying expert, expert reports, depositions for plaintiff
Disposition:	Settled
Date:	2008

Expert Engagement:

Type of Matter:	California Constitution, Article VI, § 10, class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm:	KamberEdelson, LLC
Case Name:	Reed v. Sprint Nextel Corporation
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Settled
Date:	2008

Expert Engagement:

Type of Matter:	Class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm:	KamberEdelson, LLC
Case Name:	Paluzzi v. CellCo Limited Partnership (dba Verizon Wireless) and mBlox. Inc.
Services Provided:	Consulting expert for plaintiff
Disposition:	Settled
Date:	2008

Expert Engagement:

Type of Matter:	Class action related to short message service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm:	KamberEdelson, LLC
Case Name:	Nava v. Predicto Mobile, LLC
Services Provided:	Consulting expert for plaintiff
Disposition:	Settled
Date:	2008

Expert Engagement:

Type of Matter:	Class action related to short message service (SMS) technology and unlawful

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charging of cellular telephone customers
Law Firm: KamberEdelson, LLC
Case Name: McFerren v. AT&T Mobility, LLC
Services Provided: Consulting expert for plaintiff
Disposition: Settled
Date: 2008

Expert Engagement:
Type of Matter: California's Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 class
                               action related to short message service (SMS) technology and unlawful charging
                               of cellular telephone customers
Law Firm: KamberEdelson, LLC
Case Name: Guerrero v. MobileFunster, Inc.
Services Provided: Consulting expert for plaintiff
Disposition: Settled
Date: 2008

Expert Engagement:
Type of Matter: Computer Fraud and Abuse Act, 18 U.S.C. Article § 1030, class action related to
                               short message service (SMS) technology and unlawful charging of cellular
                               telephone customers
Law Firm: KamberEdelson, LLC
Case Name: Gray v. Mobile Messenger Americas, Inc.
Services Provided: Consulting expert for plaintiff
Disposition: Settled
Date: 2008

Expert Engagement:
Type of Matter: Class action related to short message service (SMS) technology and unlawful
                               charging of cellular telephone customers
Law Firm: KamberEdelson, LLC
Case Name: Goddard v. Google, Inc.
Services Provided: Consulting expert for plaintiff
Disposition: Settled
Date: 2008

Expert Engagement:
Type of Matter: Class action related to short message service (SMS) technology and unlawful
                               charging of cellular telephone customers
Law Firm: KamberEdelson, LLC
Case Name: Duffy v. Nevis Mobile, LLC
Services Provided: Consulting expert for plaintiff
Disposition: Settled
Date: 2008

Expert Engagement:
Type of Matter: Class action related to short message service (SMS) technology and unlawful

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charging of cellular telephone customers

Law Firm: KamberEdelson, LLC
Case Name: Criswell v. MySpace, Inc.
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Undisclosed
Date: 2008

Expert Engagement:
Type of Matter: Class Action Fairness Act of 2005, 28 U.S.C. §§ 1332, 1453 and 28 U.S.C. §
                     1367(a) class action related to short message service (SMS) technology and
                     unlawful charging of cellular telephone customers
Law Firm: KamberEdelson, LLC
Case Name: Bradberry v. mBlox, Inc.
Services Provided: Consulting expert for plaintiff
Disposition: Settled
Date: 2008

Expert Engagement:
Type of Matter: California Constitution, Article VI, § 10, class action related to short message
                     service (SMS) technology and unlawful charging of cellular telephone customers
Law Firm: KamberEdelson, LLC
Case Name: Ayers v. Media Breakaway, LLC
Services Provided: Testifying expert, expert reports for plaintiff
Disposition: Settled
Date: 2008

Expert Engagement:
Type of Matter: Intellectual property (patents) related to wireless location based services (LBS)
Law Firm: Hahn Loeser & Parks, LLC
Case Name: Emsat Geolocation Technology, LLC v. CellCo Limited Partnership (dba
                     Verizon Wireless) et al
Services Provided: Consulting expert for plaintiff
Disposition: Undisclosed
Date: 2008

Expert Engagement:
Type of Matter: Class action related to short message service (SMS) technology and unlawful
                     charging of cellular telephone customers
Law Firm: Blim & Edelson, LLC
Case Name: Valdez v. Sprint Nextel Corporation
Services Provided: Consulting expert for plaintiff
Disposition: Settled
Date: 2007

Expert Engagement:
Type of Matter: Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 201 class action
                     related to short message service (SMS) technology and unlawful charging of

<table>
<tr><td colspan="2" align="center">**Randall A. Snyder**
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	cellular telephone customers
Law Firm:	Blim & Edelson, LLC
Case Name:	Bradberry v. T-Mobile USA, Inc.
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Settled
Date:	2007

Expert Engagement:

Type of Matter:	California Computer Crime Law, Cal. Pen. Code § 502 and California's Unfair Competition Law, Cal. Bus. & Prof. Code § 17200 class action related to short message service (SMS) technology
Law Firm:	KamberEdelson, LLC
Case Name:	Abrams v. Facebook, Inc.
Services Provided:	Testifying expert, expert reports for plaintiff
Disposition:	Settled
Date:	2007

Expert Engagement:

Type of Matter:	Intellectual property (patents) related to short message service (SMS) technology
Law Firm:	Paul Hastings LLP
Case Name:	TeleCommunication Systems, Inc. v. Mobile365, Inc.
Services Provided:	Testifying expert, expert reports, depositions, trial testimony for defendant
Disposition:	Settled
Date:	2007

Wireless
Research
Services
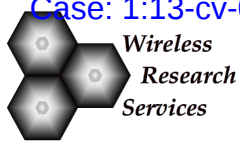
Wireless Research Services, LLC
2015 Rate Sheet

ITEM	FEE
Non-refundable Retainer at Time of Engagement	$4,000
Expert Witness Consulting, Expert Reports	$450 per hour
Depositions, In-court Testimony	$500 per hour
Required Travel, Lodging, Board and Administrative Expenses	$1,000 per airline travel day plus actual incurred expenses
Invoicing	Payment due upon receipt
Penalty for Late Payments	10% of total invoice added after each 30 days late until full payment is received

By signing below and returning an executed copy to Wireless Research Services, LLC along with payment of the non-refundable retainer, you agree to the payment terms contained on this rate sheet.

Agreed to by:_____

Law firm/Company:_____

Case Name:_____

Date:_____

EXHIBIT B

SECOND EDITION

C
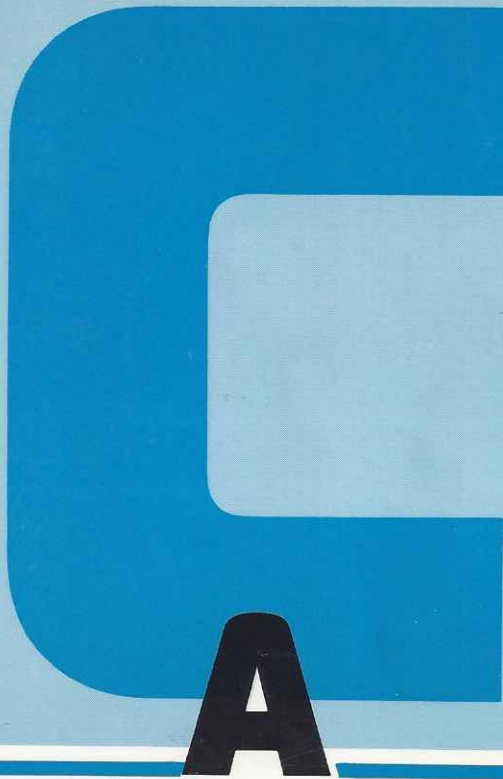
A REFERENCE MANUAL

SAMUEL P. HARBISON · GUY L. STEELE JR.

TARTAN LABORATORIES

y is not an exact integer, or if x is zero and y is nonpositive. Range errors may also occur.

The function sqrt computes a floating-point approximation to the nonnegative square root of the argument. A domain error occurs if the argument is negative. Implementations that support the concept of a negative floating-point zero may return that number as the square root of itself, while still recording a domain error.

19.7   RAND, SRAND

```
#include <stdlib.h>                                    /*  ANSI */

int rand();

void srand(seed)
   /* unsigned */ int seed;
```

Successive calls to rand return values in the range 0 to the largest representable positive value of type int (inclusive) that are the successive results of a pseudorandom-number generator. In Draft Proposed ANSI C the upper bound of the range of rand is given by RAND_MAX, which will be at least 32767.

The function srand may be used to initialize the pseudorandom-number generator that is used to generate successive values for calls to rand. After a call to srand, successive calls to rand will produce a certain series of pseudorandom numbers. If srand is called again with the same argument, then after that point successive calls to rand will produce the same series of pseudorandom numbers. Successive calls made to rand before srand is ever called in a user program will produce the same series of pseudorandom numbers that would be produced after srand is called with argument 1.
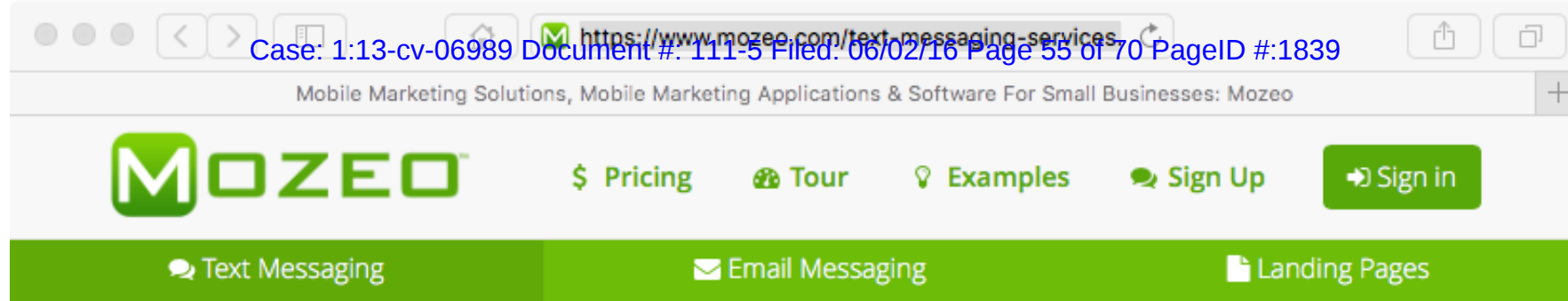
19.8   COS, SIN, TAN

```
#include <math.h>

double cos(x)
  double x;

double sin(x)
  double x;

double tan(x)
  double x;
```

The function cos computes a floating-point approximation to the trigonometric cosine

EXHIBIT C

Mobile Marketing Solutions, Mobile Marketing Applications & Software For Small Businesses: Mozeo

MOZEO

$ Pricing 🎨 Tour 💡 Examples 💬 Sign Up ➡️ Sign in

💬 Text Messaging | ✉️ Email Messaging | 📄 Landing Pages

Beautifully Simple

Easily send text messages with the click of a button.

Why Text Messaging? Check out our infographic.

❓ Help

EXHIBIT D

MOZEO

Help Center > Text Messaging > Text-to-Win

Q Search

How do I pick random winners?

Mozeo Support
July 21, 2015 13:11

Related articles

How do I add a Keyword?

In your dashboard, click on **TEXT MESSAGING** > **TEXT-TO-WIN**. Once there, choose the keyword you would like to use for the contest and click on the winner picker button (●). Once there, follow the on-screen steps to pick winner(s).

Step 1: Select your contest dates:

2015-05-29	to	2015-05-29

Start Time: 12 PM : 00 EST

Finish Time: 12 PM : 00 EST

Step 2: How many winner(s) would you like?:

We will automatically choose random winners for you, how many would you like: 1

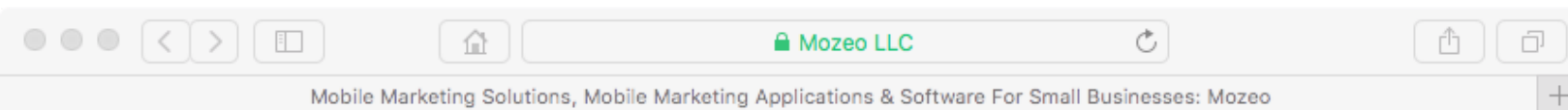**Step 3:** Send immediate text message to notify the winner(s)?

☐ Yes, send an immediate text message to winners.

● Get Winners or Cancel

Was this article helpful? 👍 👎 0 out of 0 found this helpful   f 🐦 in 8+

Have more questions? Submit a request

Comments

Leave a message

MOZEO™

$ **Pricing**   🐾 **Tour**   ♀ **Examples**   💬 **Sign Up**   ➡ **Sign in**

All the features you want, none of the clutter.

✧ Mobile Keywords

Keywords are unique words that let you interact with your customers. When someone texts in a keyword to your shortcode, their mobile phone number is automatically added to your contacts.

💬 Text Messaging

With sms text messaging, you can easily reach all of your mobile contacts, a specific group, or a single person at a low cost. Send valuable information, alerts, and more.

❋ Text-To-Win

We give you a random winner picker built right in to your dashboard. You'll be able to pick winners, from any keyword, at any time.

▢ Text Conversations

Our message inbox collects your audience responses and allows you to have one-to-one conversations. Respond to customer questions all through text messaging.

</> Text Messaging API

With Mozeo's SMS API, you can easily plug Mozeo into your existing application and start sending text messages right away. Unique solutions are available upon request.

▢ Text-To-Screen

Perfect for events of all sizes, text-to-screen allows users to submit text messages, which are then broadcasted on a screen, monitor, or website.

⚙ Website Widget

Collect contacts from your website, or social media page. Create your Widget and your sign ups will automatically be added to your contact list.

✔ Shared Shortcode

After you signup, you'll be up and running right away with one of our shared shortcodes. Plus, you'll save some serious dough by not having to buy your own short code.

☁ 24/7 Email Support

You'll get 24/7 access to our award winning support team. If you plan on being a high volume account, we'll assign a direct contact to you.

⊘ **Help**   Start your **free, no-risk**, trial: 💬 **Sign Up Free**

EXHIBIT E

Page 1

1

2   THE UNITED STATES DISTRICT COURT

     FOR THE NORTHERN DISTRICT OF ILLINOIS

3   ---X

     FRIEDA ZEIDEL, individually and on behalf of a

4   a class of similarly situated individuals,

5   Plaintiff,

6   -against-

7   YM, LLC USA, a Delaware limited liability

     company,

8

                         Defendant.

9

     Case No. 1:13-cv-06989

10   ---X

11

12

13

14   DEPOSITION OF KIM BERLINER

15   New York, New York

16   Wednesday, December 17, 2014

17

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19

20

21

22

23   Reported by:

24   ROBIN NUNEZ

25   JOB NO. 87783

Page 18

K. BERLINER
1
2   A.   Correct.
3   Q.   And it has two exhibits to it;
4 correct?
5   A.   Correct.
6   Q.   Did you draft that declaration?
7   A.   No.
8   Q.   Did you make edits to it?
9   A.   No.
10   Q.   Did you sign what was presented to
11 you?
12   A.   Yes.
13   Q.   Did you talk with anyone about what
14 it should say before it was presented to you?
15   A.   No.
16   Q.   Let's turn to Exhibit A in the
17 declaration. Okay -- let's go back a second.
18 Who asked you -- who is it that asked you to
19 sign the declaration?
20   A.   Mr. Mitchell.
21   Q.   Okay. Was there anyone at YM that
22 talked with you about it?
23   A.   No.
24   Q.   So let's look at Exhibit A, which is
25 at the top of the page, it is page six of

Page 19

K. BERLINER
1
2 eight, tell me what I'm looking at here?
3   A.   It says screen print from the CRM
4 application of the customer address table.
5   Q.   Now you said that this is a customer
6 address table, that's one of the tables at the
7 top of the page?
8   A.   Correct.
9   Q.   And I see several others, there is
10 new search, transactions, lifetime, period,
11 totals, segments, and interactions. Are there
12 screen shots available for all of those tabs?
13   A.   Probably, but I was not asked to
14 produce anything.
15   Q.   Have you ever looked at any of those
16 tabs for the plaintiff in this case?
17   A.   Yes.
18   Q.   So what is the purpose of the CRM,
19 and just to be clear, is CRM, if I refer to
20 CRM, you'll understand that that's the
21 database?
22   A.   Correct.
23   Q.   So what is the purpose of the CRM?
24   A.   To gather customer information so
25 that they can be marketed to.

Page 20

K. BERLINER
1
2   Q.   It is for marketing for the most
3 part?
4   A.   Correct.
5   Q.   Does it have any other purpose other
6 than marketing?
7   A.   No.
8   Q.   What are all the ways from which a
9 customer's name could be inputted into the
10 database?
11   A.   Customer gives their information.
12   Q.   Is there anyone in this database
13 that is not an actual, at some point, an actual
14 customer of Mandee or Annie Sez?
15   A.   Not that I'm aware of.
16   Q.   You say when customer gives
17 information, how can a customer give
18 information that would get into the database?
19   A.   They're ask for it when they make a
20 purchase at the store, or they can sign up on
21 the website.
22   Q.   Anything else?
23   A.   That's all I know.
24   Q.   If a person makes a complaint or
25 returns an item, are those ways information can

Page 21

K. BERLINER
1
2 get entered?
3   A.   No.
4   Q.   Do you have store credit cards?
5   A.   Yes.
6   Q.   When someone signs up for store
7 credit card, does their information get entered
8 into the database?
9   A.   No.
10   Q.   Does the database itself identify
11 whether the information was entered either
12 online or in store?
13   A.   No.
14   Q.   Is it fair to say that as the person
15 who oversees the database that you are familiar
16 with what each of these categories and tabs
17 mean?
18   A.   Yes.
19   Q.   I want to ask you about how the
20 database gets the -- the information gets
21 populated. Let's assume it is an in-store
22 situation, how would a customer's information
23 get inputted into this database?
24   A.   The information is taken at the
25 store on the point of sale register, and there

Page 22

K. BERLINER

1
2 is a data feed that feeds this database.
3   Q.   So it automatically gets entered
4 into the point of sale and automatically
5 populates this?
6   A.   Correct.
7   Q.   It is instantaneous?
8   A.   No, it is an overnight process.
9   Q.   Does anyone -- is there any
10 intermediary? Do you look --
11   A.   No.
12   Q.   So why does it take overnight?
13   A.   It is a batch process. It runs on a
14 schedule.
15   Q.   Okay. So if someone comes in there
16 on a Tuesday, by Wednesday that information
17 should be into the database?
18   A.   Yes.
19   Q.   Does it ever take longer than a day?
20   A.   If there is a problem at the store.
21   Q.   Who inputs the data at the store?
22   A.   The cashiers.
23   Q.   Is it always the cashier?
24   A.   Yes.
25   Q.   Anybody else other than a cashier

Page 23

K. BERLINER

1
2 input data into the database?
3   A.   Anyone who works in the store who is
4 ringing up a transaction.
5   Q.   Okay. That's what I meant. Other
6 than -- let's switch gears for a second to
7 online, when someone goes online they have the
8 ability to put their information in the
9 database?
10   A.   They have the ability to fill out a
11 form that requests their information be put
12 into the database.
13   Q.   And is that -- when they fill out
14 the form and hit submit, does that
15 automatically populate in the database?
16   A.   It is a file, it is a scheduled job
17 that gets populated into the database.
18   Q.   Automatically, or is there any human
19 intervention?
20   A.   Automatically.
21   Q.   Automatically within 24 hours
22 usually?
23   A.   Yes.
24   Q.   Other than the individual who does
25 it online directly and the people in the store,

Page 24

K. BERLINER

1
2 the employee in the store, is there anyone else
3 who has access to enter information in the --
4 into the database?
5   A.   No.
6   Q.   Anybody in marketing?
7   A.   No, they don't have access to the
8 entry screen.
9   Q.   What do they have access to?
10   A.   The view screen that they are
11 looking at.
12   Q.   They can see this but they can't do
13 anything about it?
14   A.   Correct.
15   Q.   Does the sales associate or cashier,
16 when they are inputting information, can you
17 walk me through what is prompted on the screen
18 in front of them?
19   A.   I'm not familiar with all the store
20 procedures that happen inside the store.
21   Q.   Okay. But they are not looking at a
22 screen that looks like this?
23   A.   No, their screen is different.
24   Q.   Do they have the ability to edit
25 what they do after the fact?

Page 25

K. BERLINER

1
2   A.   Yes.
3   Q.   Can they go in at any time and edit
4 it?
5   A.   Yes.
6   Q.   Do they have to give a basis for why
7 they are editing it?
8   A.   No.
9   Q.   Does that happen?
10   A.   Occasionally.
11   Q.   And they can do that even after the
12 next day if they wanted to?
13   A.   Yes.
14   Q.   Are there any written policies about
15 how a sales associate is supposed to input
16 information that gets populated in the
17 database?
18   A.   I believe that there are.
19   Q.   Have you seen those?
20   A.   No.
21   Q.   Let's talk a little bit about what
22 some of these tabs, or what some of these items
23 mean, okay. Let's start off with phone opt in,
24 do you see that?
25   A.   Yes.

7

Page 46

K. BERLINER

1
2   A.   Correct.
3   Q.   And how do you send it to them? In
4 what format?
5   A.   It is a CSV file, it gets FTPed.
6   Q.   Do you know how often you send them
7 those files?
8   A.   Periodically. Not a schedule.
9   Q.   Every week?
10   A.   Weekly. Monthly maybe.
11   Q.   Are you familiar with text messages
12 that are sent to new members?
13   A.   Yes.
14   Q.   Okay. Is that the one, is that the
15 text message that mentions VIP status?
16   A.   I don't know the context of the
17 text.
18   Q.   Is it your understanding that those,
19 VIP I'll call them, those VIP messages are sent
20 to every person that signs up for membership?
21   A.   I believe so. I don't know the
22 context of the text.
23   Q.   Are they automatically sent to new
24 members?
25   A.   Yes.

Page 47

K. BERLINER

1
2   Q.   How does that work? How do they
3 become automatically sent to them? Take me
4 through that process?
5   A.   The new customer records that come
6 into the database are sent to Mosio on a
7 schedule, and Mosio sends out the welcome text.
8   Q.   And do you know how often that
9 happens?
10   A.   I do not.
11   Q.   So Mosio -- so someone from YM, is
12 it you that sends that information to Mosio?
13   A.   It is automatic.
14   Q.   It is automatic, so what information
15 does Mosio receive?
16   A.   The -- I don't know the details
17 100 percent. The customer information. The
18 phone number. The e-mail address --
19   Q.   Do they get -- I'm sorry, I cut you
20 off.
21   A.   The contact information.
22   Q.   Do they get that automatically once
23 the database is populated?
24   A.   Yes, to schedule a job.
25   Q.   So the sales associate enters the

Page 48

K. BERLINER

1
2 information within 24 hours it gets populated
3 and then sometime fairly soon barely thereafter
4 it automatically gets sent to Mosio to send the
5 text message?
6   A.   Correct.
7   Q.   Exhibit B to your declaration --
8 actually before I get to that, you see at the
9 top when you get to arrow keys to the right or
10 left?
11   A.   Mm-hmm.
12   Q.   Does that mean there are additional
13 tabs?
14   A.   There could be. I don't know off the
15 top of my head if there are any actual tabs.
16 Arrows just mean you can click on them to
17 automatically take you to a different tab.
18   Q.   Are you not aware of any different
19 tabs that aren't shown by the screen shot?
20   A.   No.
21   Q.   Let's turn to Exhibit B of your
22 declaration. Tell me what this is, please?
23   A.   This is the data file that we
24 received back from Mosio, with all of the phone
25 numbers that wish to be unsubscribed from the

Page 49

K. BERLINER

1
2 database.
3   Q.   How often do you receive this?
4   A.   Daily. I don't know if it is daily
5 or weekly, I think it is daily.
6   Q.   How is that information sent to you?
7   A.   Electronically through a file.
8   Q.   How does it get inputted into the
9 database? Automatically or does the person who
10 receives it have to input it to the database?
11   A.   Automatically.
12   Q.   So whenever Mosio says that someone
13 opted out, it automatically populates your
14 database?
15   A.   Correct.
16   Q.   So they have access to your
17 database?
18   A.   No, the file gets sent to us, there
19 is a job that picks up the file, and the file
20 is automatically processed in the database.
21   Q.   As soon as they send it to you it
22 automatically gets processed?
23   A.   Correct.
24   Q.   And you don't know if there is daily
25 or weekly?

EXHIBIT F

Page 1

1

2   THE UNITED STATES DISTRICT COURT

     FOR THE NORTHERN DISTRICT OF ILLINOIS

3   --X

     FRIEDA ZEIDEL, individually and on behalf of a

4   a class of similarly situated individuals,

5   Plaintiff,

6   -against-

7   YM, LLC USA, a Delaware limited liability

     company,

8

                         Defendant.

9

     Case No. 1:13-cv-06989

10   --X

11

12

13

14   DEPOSITION OF JAN HARVEY

15   New York, New York

16   Thursday, December 18, 2014

17

18

19

20

21

22

23   Reported by:

24   ROBIN NUNEZ

25   JOB NO. 87696

Page 38

J. HARVEY

1
2 someone becomes a member, why do you call it
3 membership date in the database if it is not a
4 membership program?
5   A. So that was in the system already,
6 those words, up until the lawsuit, I had never
7 even seen the screen. This screen, what Kim
8 showed me the screen, I don't know. It is
9 Epicor who wrote this program.
10   Q. Epicor?
11   A. Epicor is the name of the company,
12 they have assumptions about companies like ours
13 that would use this program, so they create
14 things for -- it is a template, so that's why
15 it says membership. It doesn't have anything to
16 do with us.
17   Q. Do you -- let's walk through when
18 someone first gives their information, does
19 that automatically get sent from the database
20 to Mosio directly?
21   A. There is a transfer of information
22 which occurs at a certain time of the day. I
23 think it is a few times a day.
24   Q. But it is direct, there is no
25 individual who sends it to Mosio? It goes

Page 39

J. HARVEY

1
2 directly from the database to Mosio?
3   A. Yes, automated.
4   Q. Automated, right. Are you familiar
5 with opt outs or exclusion request for text
6 messages?
7   A. Familiar with it, yes.
8   Q. And is it your understanding that
9 Mosio would keep a record of everyone who
10 requested not to receive any additional text
11 messages?
12   A. Correct, yes.
13   Q. Were you involved in receiving those
14 opt out requests from Mosio?
15   A. Say that again.
16   Q. Were you one of the people who
17 received the list of those opt out requests
18 from Mosio?
19   A. No.
20   Q. Is it your understanding that Mosio
21 sends a list of opt out requests to someone at
22 YM?
23   A. No.
24   Q. What is your understanding of how
25 those opt out requests are communicated to YM?

Page 40

J. HARVEY

1
2   A. I don't know how Mosio gets the
3 information back to us. I don't know how that
4 works. I know that they know that if someone
5 opts out that it is instantaneous. They get
6 removed from the list, which is their list,
7 Mosio's list.
8   Q. Mosio?
9   A. Mosio sends the messages and if
10 anybody doesn't want to do it, they reply
11 through a message stop and that phone number
12 gets deleted from the list.
13   Q. The list?
14   A. I don't know. I don't know. I'm
15 sorry. I'm not a technical person.
16   Q. Does YM keep track of how many opt
17 out requests are received for each store?
18   A. No, not that I'm aware of it.
19   Q. Are you aware of the ability to
20 trace the stop requests to what store that
21 originated from?
22   A. We could do that.
23   Q. Do you do that?
24   A. No. Like I said we stopped texting,
25 the program is not happening anymore. We

Page 41

J. HARVEY

1
2 stopped texting as of this lawsuit, because of
3 the lawsuit.
4   Q. If someone complained about
5 receiving text messages either in an e-mail or
6 in person or over the phone, would that request
7 get inputted in the database?
8   A. Absolutely yes.
9   Q. By whom?
10   A. So there is a woman, her name is Kim
11 Delbota, she is a customer service
12 representative. So if there is anybody that
13 sends an e-mail, that e-mail goes immediately
14 to both me and Mosio, immediately, and they
15 respond immediately when the person has opted
16 out. So it happens via e-mail and it is in an
17 instant.
18   Q. Who inputs into the database or does
19 it get inputted in the database?
20   A. Again, I don't know when Mosio
21 actually -- when Mosio actually removes, let's
22 say, an e-mail, that's happening now. That
23 information somehow gets back to our database
24 and Kim should be able to answer that question.
25 I would get her for that question.

11 (Pages 38 to 41)

EXHIBIT G

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

FRIEDA ZEIDEL, individually and on behalf of a class of similarly situated individuals,	Case No. 1:13-cv-06989
and	
CARLA SERRANO, individually and on behalf of a class of similarly situated individuals,	Hon. Robert M. Dow, Jr.
Plaintiffs,	
v.	
A & M (2015) LLC, a Delaware limited liability company	
Defendant.	

DECLARATION OF GREGORY LISNYCZYJ

I, Gregory Lisnyczyj, under 28 U.S.C. § 1746, state as follows:

1.   I am an officer/member of Mozeo, LLC ("Mozeo"), which I co-founded in 2007. At all times since Mozeo's inception in 2007, I have been an officer/member of Mozeo.

2.   I am over the age of eighteen (18). All of the matters set forth in this declaration are of my own personal knowledge and, if called as a witness, I could and would competently testify to these matters.

3.   Mozeo offers its clients an online platform (including a dashboard and related services) that those clients can use to create and send email and/or text messages to their existing and potential customers.

1

instructs the recipient to reply to the text message with the word "STOP" if they wish to opt-out of receiving further text messages. Such opt-out requests are dealt with immediately and automatically by removing the requesting telephone number from the corresponding Mozeo client's contact list.

14.   As mentioned above, the Mozeo platform requires considerable human intervention in order for a Mozeo client to send a text message. Specifically: at least one human being must decide on and approve the content, i.e., text, of a message; at least one human being must select the message's recipients; at least one human being must decide when the messages will be sent – whether immediately or at some point in the future; at least one human being must press a button to send, or schedule the sending of, those messages; and, moreover, at least one human being can delete a scheduled message before it is sent and, optionally, can schedule a new message in its place. (Notably, none of these "human being" steps are ever undertaken by a Mozeo employee.)

15.   At no time since the Mozeo's founding has Mozeo's platform had the capacity to generate the telephone numbers to which Mozeo's clients can send text messages. This includes, without limitation, the capacity to generate telephone numbers sequentially or randomly. Mozeo's platform does not include a random number generator or sequential number generator. Nor has it ever included such features. Mozeo's software platform includes no feature that would permit use of a plugin, application ("app"), or similar third-party technology, that would allow the generation of sequential or random telephone numbers.